

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

FRANCILLIA FRANCIS,

Plaintiff,

1:10-cv-13

v.

KMART CORPORATION,

Defendant.

TO: Warren B. Cole, Esq.
Stephanie L. Adler, Esq.

ORDER

THIS MATTER came before the Court upon Plaintiff's Motion For Entry of Default by the Clerk (Docket No. 4).

Rule 55(a) provides: "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, . . . the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Subsequent to the filing of the motion for entry of default, however, Defendant filed an answer to Plaintiff's complaint. Consequently, the Court finds that Plaintiff's motion is moot.

Accordingly, it is now hereby **ORDERED** that Plaintiff's Motion For Entry of Default by the Clerk (Docket No. 4) is **DENIED AS MOOT**.

Francis v Kmart Corporation

1:10-cv-13

Order

Page 2

ENTER:

Dated: August 3, 2010

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.

U.S. MAGISTRATE JUDGE